

**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
PENNSYLVANIA**

**UNITED STATES OF AMERICA :**

**v. :**

**STEVEN DAVIS :**

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**DOCKET NO.: 1:CR-01-246**

**Judge Yvette Kane  
(Electronically Filed)**

**AMENDED EMERGENCY MOTION FOR RELIEF UNDER 18 U.S.C. §3582(c)**

AND NOW, comes defendant, Steven Davis, by his court appointed attorney Gregory Barton Abeln, Esquire, and files this Amended Emergency Motion for Relief under 18 U.S.C. §3582(c)(2), and in support thereof avers as follows:

1. The defendant was previously convicted and sentenced for offenses involving the distribution of cocaine base, also known as crack cocaine.
2. The defendant was originally sentenced to a term of 97 months imprisonment, a sentence, which represented the low end of the guidelines imprisonment range, which the court found to be applicable in this case, 97-121 months imprisonment. That guideline imprisonment range was based upon the court's finding that the defendant's offense level was 29 and the defendant's criminal history category was II.
3. Following imposition of this sentence, in December 2007, the United States Sentencing Commission enacted an amendment to the Sentencing Guidelines, Amendment 706, which reduce the guidelines offense level for drug distribution and conspiracy offenses involving cocaine base by two offense levels and further provided that this Amendment applied retroactively to

defendants who were sentenced before the effective date of this amended guideline.

4. The defendant is moved pursuant to title 18 U.S.C. 3582(c) for relief in accordance with this amended guideline provision.
5. The defendant's projected release date is December 5, 2009.
6. Under the new guidelines, the defendant's guidelines are calculated as follows: the offense level is now 27. With an offense level of 27 and a criminal history category of II, the new guideline range is 78-97 months.
7. If the court follows the same course of action from the new guideline range, the defendant's sentence would be reduced by 19 months, thereby entitling him to a have a projected release date of August 5, 2008.
8. The defendant will waive his right to a hearing and his right to be present at a hearing if there are no contested issues and the Court is inclined to grant the reduction. If there are contested issues and either the Government or the Court is opposing a reduction, the defendant is requesting a hearing and requesting to be present at the hearing to present evidence.
9. The defendant believes that he is entitled to relief as he as convicted and sentenced for a drug trafficking offense involving crack cocaine. His guidelines were determined based upon the quantity of drugs involved in the offense. He is not a career offender, and this is not based solely upon statutory mandatory minimums.
10. The Government has filed a motion concurring in this request.

WHEREFORE, for all the foregoing reasons, the defendant, Steven Davis respectfully requests that this Honorable Court grant the foregoing Amended Emergency Motion for Relief under 18 U.S.C. § 3582(c)(2).

Respectfully Submitted,

Date: July 7, 2008

s/Gregory Barton Abeln  
Gregory Barton Abeln, Esquire  
Court Appointed Counsel for the  
Defendant  
37 E. Pomfret Street  
Carlisle, PA 17013

Attorney ID# 35960

717/245-2851

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**CERTIFICATE OF CONCURRENCE/NONCONCURRENCE**

The United States has filed a separate response outlining the extent of their  
concurrence.

July 7, 2008

*s/Gregory Barton Abeln*

Gregory Barton Abeln, Esquire  
Court Appointed Counsel for the  
Defendant  
37 E. Pomfret Street  
Carlisle, PA 17013

Attorney ID# 35960

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**CERTIFICATE OF SERVICE**

I, Shelly Sydnor, do hereby certify that on this date I served a copy of the  
foregoing **AMENDED EMERGENCY MOTION FOR RELIEF UNDER 18 U.S.C.**

**§3582(c)(2)** via electronic case filing or first class U.S. mail addressed to the following:

Martin C. Carlson, Esquire  
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James Wade, Esquire  
Public Defender  
100 Chestnut Street, Suite 306  
Harrisburg, PA 17101

Respectfully submitted,  
ABELN LAW OFFICES

July 7, 2008  
Date

/s/ Shelly Sydnor  
Shelly Sydnor  
Legal Assistant  
37 E. Pomfret Street  
Carlisle, PA 17013



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